

Article - Public Safety

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§3–108. IN EFFECT

(a) (1) A decision, order, or action taken as a result of a hearing under § 3–107 of this subtitle shall be in writing and accompanied by findings of fact.

(2) The findings of fact shall consist of a concise statement on each issue in the case.

(3) A finding of not guilty terminates the action.

(4) If the hearing board makes a finding of guilt, the hearing board shall:

(i) reconvene the hearing;

(ii) receive evidence; and

(iii) consider the law enforcement officer's past job performance and other relevant information as factors before making recommendations to the chief.

(5) A copy of the decision or order, findings of fact, conclusions, and written recommendations for action shall be delivered or mailed promptly to:

(i) the law enforcement officer or the law enforcement officer's counsel or representative of record; and

(ii) the chief.

(b) (1) After a disciplinary hearing and a finding of guilt, the hearing board may recommend the penalty it considers appropriate under the circumstances, including demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that is considered punitive.

(2) The recommendation of a penalty shall be in writing.

(c) (1) Notwithstanding any other provision of this subtitle, the decision of the hearing board as to findings of fact and any penalty is final if:

(i) a chief is an eyewitness to the incident under investigation;
or

(ii) a law enforcement agency or the agency's superior governmental authority has agreed with an exclusive collective bargaining representative recognized or certified under applicable law that the decision is final.

(2) The decision of the hearing board then may be appealed in accordance with § 3–109 of this subtitle.

(3) If authorized by local law, paragraph (1)(ii) of this subsection is subject to binding arbitration.

(d) (1) Within 30 days after receipt of the recommendations of the hearing board, the chief shall:

(i) review the findings, conclusions, and recommendations of the hearing board; and

(ii) issue a final order.

(2) The final order and decision of the chief is binding and then may be appealed in accordance with § 3–109 of this subtitle.

(3) The recommendation of a penalty by the hearing board is not binding on the chief.

(4) The chief shall consider the law enforcement officer's past job performance as a factor before imposing a penalty.

(5) The chief may increase the recommended penalty of the hearing board only if the chief personally:

(i) reviews the entire record of the proceedings of the hearing board;

(ii) meets with the law enforcement officer and allows the law enforcement officer to be heard on the record;

(iii) discloses and provides in writing to the law enforcement officer, at least 10 days before the meeting, any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the penalty is wholly or partly based; and

(iv) states on the record the substantial evidence relied on to support the increase of the recommended penalty.

§3-108. ** TAKES EFFECT JULY 1, 2022 PER CHAPTER 59 OF 2021 **

(a) (1) A law enforcement agency shall designate an employee as a victims' rights advocate to act as the contact for the public within the agency on matters related to police misconduct.

(2) A victims' rights advocate shall:

(i) explain to a complainant:

1. the complaint, investigation, administrative charging committee, and trial board process;

2. any decision to terminate an investigation;

3. an administrative charging committee's decision of administratively charged, not administratively charged, unfounded, or exonerated; and

4. a trial board's decision;

(ii) provide a complainant with an opportunity to review a police officer's statement, if any, before completion of an investigation by a law enforcement agency's investigative unit;

(iii) notify a complainant of the status of the case at every stage of the process; and

(iv) provide a case summary to a complainant within 30 days after final disposition of the case.

(b) Each law enforcement agency shall create a database that enables a complainant to enter the complainant's case number to follow the status of the case as it proceeds through:

(1) investigation;

(2) charging;

(3) offer of discipline;

- (4) trial board;
- (5) ultimate discipline; and
- (6) appeal.

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